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Application No. 10/626,080

Docket No.: 29618/EL013

REMARKS

Claims 5-21, 24, 27, 29, and 30 were examined in the most recent non-final office action dated October 27, 2006. Claims 5-15, 17-21, 24, 27, 29, and 30 stand rejected under 35 U.S.C. § 102(b) as anticipated by Ainsworth, U.S. Patent No. 2,149,489. Claim 16 stands rejected under 35 U.S.C. § 103(a) as obvious over Ainsworth in view of MPEP 2144.04 §§ IV(A) and I. Based on the amendments made, applicants respectfully request withdrawal of all rejections and issuance of a notice of allowance.

Claims 5 and 6 are Allowable

Claim 5 recites, in part, that the first end of the vane includes a tab and a tongue, where the tab extends through a slot in the plate and is attached to the plate on the plate's bottom side. Further, the tongue bears on the top side of the plate to restrict rotation of the vane. This structure is neither disclosed nor suggested by Ainsworth.

Ainsworth discloses a photo album 1 with a backing sheet 13 bonded to the inner face of the album 1. Hinges 14 are formed in the backing sheet by making a series of inverted V-shaped cuts 15 in the backing sheet (in a region of no glue). The inverted V-shaped cuts in the backing sheet are seen best in Fig. 10. The photographs are then connected to the V-shaped hinges 14. See page 1, col. 2, line 44 – page 2, col. 1, line 4. The photographs can freely rotate about the hinges.

Ainsworth fails disclose a slot extending through the album 1, and Ainsworth further fails to disclose a tab of a vane extending through a slot in the album 1. Ainsworth discloses a photograph attached to a hinge on the top side of the album. The photos do not include a tab extending through a slot. There is also no suggestion for a tab of a photograph to extend through a slot in the album, because photographs simply are not constructed with tabs extending out.

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Ainsworth further fails to disclose a tongue of a vane that bears on the top side of the plate to restrict rotation. The photographs likewise are not constructed with a tongue extending out. Further, Ainsworth discloses no structure whatsoever that restricts rotation of the photograph. Ainsworth also fails to suggest the recited tongue that restricts rotation. The purpose of Ainsworth is to provide a photo album in which the photos can be easily flipped up to view succeeding photos. Restricting rotation of the photographs would destroy the functionality of the device of Ainsworth. Accordingly, claim 5 is allowable over Ainsworth. Dependent claim 6 is allowable for at least the same reasons.

Claims 7-11 are Allowable

Claim 7 recites, in part, that the plate has a first end and a second end. A band is attached to the plate at the first end, and a catch is disposed on the plate at the second end. The plate includes an opening with an inner edge, and the catch comprises notches disposed on the inner edge. The vanes of the organizer are securable against the plate by disposing the band across the vanes and on the catch.

Ainsworth, on the other hand, discloses a band 16 attached at each end to studs 17. The band is releasably disposable over a stud 18. The studs 17 and 18 extend upwardly from the face of the album 1. Accordingly, Ainsworth fails to disclose a catch that comprises notches in an inner edge of an opening in the plate.

The office action argues that the opening recited in the claims is the "hole in which handle [18] is disposed." See office action, page 6, lines 4-5. Applicants respectfully traverse the office's assertion. As shown in Fig. 11, stud 18 is not disposed in a hole. In fact, the stud 18 is disposed on top of the album 1, and the album 1 has no hole. Thus, not only does

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Ainsworth fail to disclose an opening with notches forming a catch, Ainsworth fails to disclose an opening in a plate at all.

Ainsworth further fails to suggest the recited opening with notches. The claimed catch is superior to the studs 18, because it is faster, easier, and less expensive to manufacture a hole in a plate than to mount a stud to the face of a plate as disclosed by Ainsworth. Accordingly, claim 7 is allowable over Ainsworth. Dependent claims 8-11 are allowable for at least the same reasons.

Claims 12-17 are Allowable.

Claim 12 recites, in part, that each vane includes a tab, and each tab extends through a respective slot in the plate and is connected to the bottom side of the plate. Claim 12 recites subject matter similar to claim 5. Ainsworth fails to disclose or suggest an album with a slot disposed therein, and further fails to disclose or suggest that the photos include a tab that extends through the slot and is attached to the album on the bottom side. Accordingly, claim 12 is allowable. Dependent claims 13-17 are allowable for at least the same reasons.

Claims 18-21 are Allowable.

Claim 18 recites, in part, that the vane includes a tongue bearing on the side of the plate to inhibit rotation of the respective vane. Claim 18 recites subject matter similar to claim 5. Ainsworth fails to disclose or suggest a photograph with a tongue bearing on the album and configured to resist rotation of the photo. In contrast, the photos of Ainsworth are designed to flip easily. Accordingly, Ainsworth fails to disclose or suggest the subject matter recited in claim 18. Dependent claims 19-21 are allowable for at least the same reasons.

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Claims 24, 27, 29 and 30 are Allowable.

Claim 24 recites, in part, that the handle comprises an opening extending through the plate. Claim 27 recites, in part, that the handle includes an opening in the plate. Applicant respectfully traverses the rejection to claim 27, and therefore claim 27 has not been amended. The office argues that the recited handle reads on the stud 18, and the recited opening is the "hole in which handle [18] is disposed."

Applicants traverse the rejection to claim 27 because stud 18 is not disposed in a hole. As is depicted in Fig. 11, stud 18 is mounted directly on top of the surface of the album 1. There is simply no hole into which stud 18 is mounted or any hole whatsoever in the album. Because claim 27 is not anticipated by Ainsworth, this rejection must be withdrawn. Any different rejection to claim 27 would be a new rejection, and could thus not be a final rejection.

There is further no suggestion to alter the structure of Ainsworth to that erroneously identified in the office action. By placing the stud 18 in an opening formed in the wall, the stud 18 would likely rock and/or pull out. There is simply no suggestion to alter the structure of Ainsworth to include a hole in the album that could be considered, even in part, a handle as claimed. In fact, Ainsworth fails to disclose a handle at all. Because claims 24 and 27 are allowable, dependent claims 29 and 30 are allowable as well.

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CONCLUSION

In view of this amendment, Applicants submit the pending application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

No fee is believed due at this time. If any fee is due, please charge our Deposit Account No. 13-2855, under Order No. 29618/EL013, from which the undersigned is authorized to draw.

Respectfully submitted,

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